IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.19 OF 2005

In the matter of issue of Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 of the Deceased Laxmidas Khimji Kapadia.

..Deceased.

Mrs.Jayabai M. Vussonji ..Petitioner.

Mrs.Laxmi V. Mankar for the Petitioner.

CORAM : A.S.AGUIAR, J.
DATED : 30TH SEPTEMBER, 2005.

P.C.:

Heard learned Advocate for the Petitioner. Perused the Petition.

2. By an order dated 16.9.2005 Petitioner was directed to file the death certificate of the father, mother and wife of the deceased in view of the averments made in paragraph 4 of the Petition.

3. Today, learned Advocate for the Petitioner files affidavit, annexing the death certificate of the wife of the deceased viz. Madhuri Laxmidas Kapadia, who died on 23.9.1992. So far as the death certificate of the father of the deceased is concerned, he produces a copy of the probate in Testamentary

Petition No.296 of 1967 in respect of the estate of the deceased's father, who, as per the petition for probate, died on 2.8.1966.

4. So far as the mother of the deceased is concerned, the Petitioner is unable to produce her death certificate stating that since her mother expired in 1950 she is not in a position to obtain the certificate.

5. The affidavit alongwith the annexures are taken on record.

6. In view of the averments made in the Petition and the Petitioner being the only sole surviving heir of the deceased, the Petition is made absolute in terms of prayer clause (a).

7. Petition stands disposed of. No order as to costs.

8. Heirship certificate be issued.

Certified copy expedited.